

THE PATERNITY ACT (EXCERPT)

Act 205 of 1956

722.712 Child born out of wedlock; liability of parents; duties of court; medical expenses; death of father of child born out of wedlock; "Medicaid" defined.

Sec. 2. (1) The parents of a child born out of wedlock are liable for all of the following:

- (a) The medical expenses connected to the mother's pregnancy.
- (b) The medical expenses connected to the birth of the child.
- (c) The necessary support and education of the child.
- (d) The child's funeral expenses.

(2) Subject to subsection (3), if medicaid has not paid a medical expense described in subsection (1)(a) or (b), on request from a parent, the court in an action brought under this act shall do all of the following:

(a) If the court determines the expense to be reasonable and necessary, apportion the expense between the parents based on each parent's ability to pay and on any other relevant factor, in the same manner as health care expenses of a child are divided under the child support formula established under section 19 of the friend of the court act, 1982 PA 294, MCL 552.519.

(b) In the court's discretion, if 1 parent has paid the expense, require the parent who did not pay the expense to pay his or her share of the expense to the other parent.

(c) In the court's discretion, at the request of a person other than a parent who has paid the expense, order a parent against whom the request is made to pay to the person the parent's share of the expense.

(d) On request from a parent, require an itemized bill for the expense before making an apportionment under this subsection.

(3) Subject to subsection (4), if medicaid has paid a medical expense described in subsection (1)(a) or (b), on request from the office of child support or its designee, the court in an action brought under this act shall do all of the following:

(a) Determine the amount of the expense that is reasonable and necessary by using the actuarially based case rate established and certified by the department of community health or the amount of the expense certified by the department of community health.

(b) Apportion the amount determined under subdivision (a) to the father using the method established under section 3(o) of the office of child support act, 1971 PA 174, MCL 400.233.

(c) Require the father to pay the amount apportioned to the father under subdivision (b) to the medicaid agency through the state disbursement unit.

(d) Not require the mother to pay any of the expenses.

(4) If a pregnancy or a complication of a pregnancy has been determined in another proceeding to have been the result of either a physical or sexual battery by a party to the case, the court shall apportion the medical expenses described in subsection (1)(a) and (b) to the party who was the perpetrator of the battery.

(5) A court order entered under subsection (2) or (3) shall provide that if the father marries the mother after the birth of the child and provides a copy of the marriage license or other documentation of the marriage to the friend of the court, the father's obligation for payment of any unpaid medical expense described in subsection (1)(a) or (b) is abated subject to reinstatement after notice and hearing for good cause shown, including, but not limited to, dissolution of the marriage. An expense abated under this subsection is abated as of the date that documentation of the marriage is provided to the friend of the court.

(6) An order that provides for the payment of a medical expense connected to a mother's pregnancy or a child's birth entered by the court in an action under this act on or before October 1, 2004 shall be considered by operation of law to provide for the abatement of any such medical expense that remains unpaid if the father marries the mother. An abatement under this subsection shall be implemented under the same circumstances and enforced in the same manner as an abatement of expenses under subsection (5).

(7) The court shall admit in proceedings under this act a bill for funeral expenses or for expenses connected to the mother's pregnancy or the birth of the child, or actuarially based case rates as determined by the department of community health, without third party foundation testimony. A bill or case rates admitted under this subsection are prima facie evidence of the relevant funeral or medical expense.

(8) This section does not prohibit the department of community health from seeking reimbursement of expenses from a party or other person, including an insurer, by a legal procedure other than an action under this act.

(9) If the father of a child born out of wedlock dies, an order of filiation or a judicially approved settlement made before his death is enforceable against his estate in the same manner and way as a divorce decree.

(10) As used in this section, "medicaid" means the medical assistance program administered by this state under section 105 of the social welfare act, 1939 PA 280, MCL 400.105.

History: 1956, Act 205, Eff. Aug. 11, 1956;—Am. 1998, Act 113, Eff. Aug. 10, 1998;—Am. 2004, Act 204, Eff. Oct. 1, 2004;—Am. 2004, Act 253, Eff. Oct. 1, 2004;—Am. 2009, Act 235, Imd. Eff. Jan. 8, 2010.